

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DEXTER LAWRENCE GRIFFIN,

Plaintiff,

v.

PRICE,

Defendant.

Case No. 1:21-cv-01518-AWI-BAM (PC)

ORDER ON PLAINTIFF'S OBJECTIONS
AND APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

(Do. No. 18)

Plaintiff Dexter Lawrence Griffin is a civil detainee¹ who proceeded *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 18, 2021, the assigned magistrate judge issued an order directing Plaintiff to submit a completed application to proceed *in forma pauperis* on the appropriate form for non-prisoners or to pay the \$402.00 filing fee to proceed with this action. Doc. No. 7. Following an extension of time and Plaintiff's failure to respond to the Court's orders or otherwise communicate with the Court, on December 20, 2021 the magistrate judge issued findings and recommendations to dismiss this action, without prejudice, due to Plaintiff's failure to obey Court orders and failure to prosecute. Doc. No. 13. Plaintiff filed objections on January 3, 2022. Doc. No. 14.

¹ Individuals like Plaintiff who are detained pursuant to the California Welfare and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.2d 1136, 1140. (9th Cir. 2000).

1 In light of Plaintiff's objections, on January 5, 2022, the undersigned found it appropriate
2 to hold the December 20, 2021, findings and recommendations in abeyance and granted Plaintiff
3 a further thirty (30) day extension of time to file his application to proceed *in forma pauperis* or
4 to pay the filing fee to proceed with this action. Doc. No. 15.

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6 The extended deadline passed, and Plaintiff failed to comply with the Court's order or
7 otherwise communicate with the Court regarding this action. Accordingly, the Court ordered that
8 the December 20, 2021, findings and recommendations were adopted in full and this action was
9 dismissed, without prejudice, due to Plaintiff's failure to obey court orders and failure to
10 prosecute. Doc. No. 16. The case was closed and judgment entered the same date. Doc. No. 17.

11 On March 7, 2022, Plaintiff filed a document entitled "Objecting to Order Holding
12 Findings and Recommendation in Abeyance and Granting Extension of Time to File a Non-
13 Prisoner Application to Proceed In Forma Pauperis," dated January 13, 2022, and apparently in
14 response to the Court's January 5, 2022 order holding the findings and recommendations in
15 abeyance. Doc. No. 18. In that document, Plaintiff appears to explain that he had some difficulty
16 obtaining a copy of the patient account ledger report to attach to his *in forma pauperis*
17 application. Plaintiff has also attached several copies of his patient account summary or patient
18 ledger report, see id. at 3–5, and a completed application to proceed *in forma pauperis* for a non-
19 prisoner. See id. at 8–9.

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22 The Court finds Plaintiff's objections and application to be untimely. Plaintiff had until
23 the beginning of February 2022 to either pay the filing fee or file an application to proceed *in*
24 *forma pauperis*. Plaintiff failed to do either, so the Court closed this case. Plaintiff's response is
25 a month late and contains no explanation of when the application was mailed or why it is so late.
26 Therefore, the Court will not consider the application and will not reopen this case.
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ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's objections and application to proceed *in forma pauperis* (Doc. No. 18) is DENIED as untimely; and
2. This case remains CLOSED.

IT IS SO ORDERED.

Dated: March 24, 2022



SENIOR DISTRICT JUDGE